

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM
VILLAGE HALL, ON DECEMBER 1, 2004**

Members Present: Peter Lilienfield, Chairman
William Hoffman, Secretary
Jay Jenkins (until 9:45 PM)

Members Absent: Carolyn Burnett
Walter Montgomery

Also Present: Lino Sciarretta, Village Counsel
Brenda Livingston & Joseph Elliot, Ad Hoc Planning
Board Members
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Mary Beth Dooley, Environmental Conservation Board Member
Cesare Manfredi, Environmental Conservation Board Member
Applicants and other persons mentioned in these Minutes.

**IPB Matters
Considered:**

- 03-36 – Racwell Contracting & Construction Co., Inc –
Dearman Park, Lot 15**
Sht. 10, P-25J2-15
- 03-49 – Village of Irvington – Westwood Subdivision Tract C**
Sht. 11, P-71, 73, 75 (formerly Sht. 11, P-25J & P-25J2,
and Sht. 10C, Bl. 226, Lot 27A)
- 04-22 – Martin & Merideth Dolan**
Sht. 9, Bl. 222, Lot 45, 54, 56, 66
- 04-39 – Lundy/Chamberland – 31 East Clinton Avenue**
Sht. 14, Bl. 223, Lot 15, 15A
- 04-47 – Steve & Vicky Grieder – 5 Riverview Terrace**
Sht. 10D, Bl. 241, Lot 20, 20A
- 04-48 – Lawrence Hirsh – 17 Beechwood Road**
Sht. 13, P-12
- 04-51 – Flying Fingers Holding Corp. – 57 Main Street**
Sht. 5, Bl. 209, Lot 19, 19A
- 04-52 – William & Jennifer Monness – 3 El Retiro Lane**
Sht. 7, P-83A2, 93A (Open Space Inventory)
- 04-53 – Maud Fluchere – 21 Oak Street (Informal Discussion)**
Sht. 7A, Bl. 236, Lot 10, 11, 12, 13, 14

Carried Over: **94-03 – Westwood Development Associates**
04-49 – Douglas McClure – 25 North Dutcher Street
Sht. 5, Bl. 207, Lot 6A
04-50 – Marygian Catarino – Riverview Road
Sht. 10C, Bl. 229, Lot 3

The Chairman called the meeting to order at 8:00 pm.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

REVIEW OF APPLICATIONS:

IPB Matter #04-51:

**Application of Flying Fingers Holding Corp. for
Site Development Plan Approval for property at
57 Main Street.**

Proposal:

Remove an existing 2-story frame building (approximate dimension of 25' wide x 100' deep x height varies from 12' to 28') and build a new 3-story masonry building (approximate dimensions 25' wide x 90' deep x height varies from 27' to 35').

Representative:

David Steinmetz, Esq.

Plans:

"Proposed Site Plan, Site Demolition Plan & Zoning Information" 4 sheets, dated 11/16/04, prepared by Steven Secon Architect, P.C.

Discussion:

Mr. Steinmetz stated that the building will be used solely for retail and wholesale use, and that there would be no residential use. He indicated that the proposed building would not comply with the zoning ordinance with regard to height, but noted that the owners needed the 3rd story for the project to be financially viable. Mr. Steinmetz requested that the Board refer the application to the ZBA for their consideration.

The Chairman noted that the ZBA would need to consider variances regarding height, coverage and off-street parking. The Chairman also read an excerpt from Sec. 224-38 of the Village Code (amended 10/7/03 by LL 22-2003) as follows: "The height of building shall be no greater than the improvements on its two neighboring lots on the Main Street street line, and the average height of the existing structures on the two neighboring lots on the street line taken from the lowest street level."

The applicant noted that the third floor, to be used for storage, is set back from the street line; the height increases by 12 ft. at the north end of the building. The Chairman requested a copy of the easements for the rear access and photograph and sketches to demonstrate the impact on views from the upslope properties (east to west).

Comments from the Public:

Carolyn and Robert Paton, who live at 10 North Eckar Street, submitted a letter dated December 1, 2004 noting concerns about their view, traffic due to classes, and parking. Another neighbor at 11 North Eckar Street questioned the need for the 3rd floor and an elevator.

Other concerns noted were the potential engineering impacts on neighboring buildings given demolition. The ECB expressed concern about adequate dust control during debris removal. It was stated that the current building is neither an “historic building” or within a historic district, but that could be possible in the future.

Board Action:

The Board indicated that it required additional materials (photographs and copies of pertinent easements) prior to being able to consider the application or send it to the Zoning Board of Appeals. It set its next public meeting for January 5, 2005 and continued this matter to that meeting.

IPB Matter #04-48:

**Application of Lawrence Hirsh for Site
Development Plan Approval for property
at 17 Beechwood Road.**

Proposal:

The Applicant is proposing to construct a deck and hot tub at the rear of an existing single family dwelling.

Representative:

Susan Riordan, Architect

Plans:

“Deck Plans” by Susan Riordan, AIA, dated October 20, 2004 revised November 17, 2004, (two 11”x17” sheets).

Discussion:

The Chairman opened a public hearing on this matter. Mr. Marron stated that coverage is compliant, however the hot tub as indicated would be considered a pool which requires a fence and screening. The Chairman suggested that this be re-submitted as an appliance (not built-in) as the cover, complying with NY State code, would eliminate the need for a fence.

Comments from the Public:

None

Board Action:

The public hearing was continued to the January 5th meeting to enable the applicant to consider modification to the plans.

IPB Matter #04-39:

Application of Lundy/Chamberland for Subdivision and Limited Site Development Plan Approval for Property at 31 East Clinton Avenue.

Proposal:

The Applicant is proposing to subdivide an existing lot into two lots, each to ultimately be improved with two single family dwelling. The property is located within the 100 Year Floodplain. The Zoning Board of Appeals (ZBA #2003-27, dated April 30, 2004) has granted variance to the "Lot Requirements" (Sec. 224-8) allowing each lot a Site Capacity of one (1).

Representative:

Mr. James Lundy appeared as Mr. Blancato was not available.

Plans:

"Preliminary Plat for Lundy" by Cronin Engineering P.E., P.C., dated November 16, 2004, and plans entitled "Limited Site Development Plan for Lot 15, 15A", by Cronin Engineering, P.E., P.C., dated August 18, 2004 revised November 16, 2004.

Discussion:

The Chairman suggested that consideration be given to the development of a single 2-family house on the lot, eliminating the need for subdivision approval and reducing the intrusion into the flood zone. It was also noted that the two proposed lots would not each have the necessary street frontage, requiring an additional variance from the ZBA. The applicant will also need to submit proposed conservation easements for review by the Board and counsel. The ECB stated that the Board should confirm that the partial taking of the flood plain and its impact upon the other areas have been properly taken into account and supported with the appropriate calculations.

Comments from the Public

None

Board Action:

The Board determined that the application was sufficiently complete and set a public hearing for January 5, 2005 conditioned on the prior receipt of the appropriate frontage variance from the ZBA. The Applicant must re-notice.

IPB Matter #04-22:

Application of Martin Dolan for Site Development Plan Approval for property at 2 Clifton Place.

Proposal:

The Applicant is proposing to construct an in-ground pool at the rear of an existing single-family residence. A variance was granted by the ZBA (ZBA #04-23, dated August 25, 2004) regarding pool placement.

Representatives:

Walter Sedovic, architect

Plans:

“Partial Topographic Map prepared for Martin & Meredith Dolan” dated April 3, 2000 (further noted as “Proposed Options shown dated August 19, 2003 and Partial Topographic Survey dated February 20, 2004”).

“Site Plan with Proposed Pool” dated 7/16/04 and “Proposed Landscaping Plan” dated 7/16/04, by Walter Sedovic Architects.

Discussion:

The Chairman noted that further details on the fence will be needed, as will coverage calculations, and details regarding pool drainage and backwash. The current proposal does not represent a driveway change.

Comments from the Public:

None

Board Action:

The Board determined that the application was sufficiently complete and set a public hearing for January 5, 2005 pending receipt of the noted materials.

IPB Matter #04-47:

Application of Steve & Vicky Grieder for Site Development Plan Approval for property at 5 Riverview Terrace.

Proposal:

The Applicant is proposing to construct a two-story addition at the northeast of the existing house, extending approximately 10’4” to the east and 2’8” to the north. A bay extending about 3’4” to the east is proposed at the kitchen. The ground floor of the addition will consist of an open porch, a two car garage, a kitchen and mud room. On the second level will be a new master bedroom, master bathroom, child’s bedroom and associated closets.

Representative:

Mr. Arthur Chabon, Architect

Plans:

“Grieder Residence” by Arthur Chabon, 21 pages, cover sheet dated November 17, 2004. (Plans submitted are substantially different from those previously submitted, however only the cover sheet bears a revision dated).

Discussion:

The current proposal incorporates a smaller deck. However, ZBA variances will be needed for F.A.R. (+7%) and coverage (+1%). Two trees (cedar/oak) will come down due to their proximity to the house. Additional details will be required on drainage.

Comments from the Public:

None

Board Action:

The Board determined that the application was sufficiently complete and set a public hearing for January 5, 2005 conditioned on the prior receipt of the appropriate variances from the ZBA. No new notice will be required.

IPB Matter #04-52:

Application of William & Jennifer Monness for Site Development Plan Approval for property at 3 El Retiro Lane.

Proposal:

Separate applications for a partial second story addition and a proposal for an inground swimming pool with surrounding patio.

Representatives:

Mr. John A. Lentini, architect, and Mr. Chris Kannel, project manager for Behr Architects.

Plans:

“Monness Residence Addition” by Richard Henry Behr dated November 16, 2004, 3 sheets; and “Pool Plan” by John A. Lentini dated October 20, 2004.

Discussion:

The Chairman told the Applicants that the two separate applications must be combined into a single application; no action could be taken by the Board until such time as this has occurred. For the pool, fencing and screening details must be provided. The Applicants were asked to provide details on pool drainage (non-backwash). FAR issues with the 2nd floor playroom must be identified. The ECB requested hay bale protection during the construction process.

Comments from the Public:

Comments from the public revolved around drainage and visibility.

Board Action:

This application was continued pending submission of a single conforming application with response to the above issues as well as those identified in Ralph Mastromonaco’s December 1, 2005 memo.

IPB Matter #03-36:

Application of Racwel Contracting & Construction Co., Inc. for Site Plan Approval for property at Lot 15, Dearman Park.

Proposal:

The applicant is proposing construction of a new single-family dwelling on Lot 15, Dearman Park.

Representative:

Padraic Steinschneider, Gotham Design

Plans:

“Cover Sheet” dated October 17, 2003, revised November 3, 2004, “Site Development Plan” dated October 17, 2003 revised November 3, 2004, “Erosion Control Plan and Details” dated October 17, 2003 revised November 3, 2004, “Profiles and Construction Details” dated October 17, 2003 revised November 3, 2004, prepared by Timothy L. Cronin, P.E.

Discussion:

The Chairman indicated that the cover letter submitted with the plans for this application noted a Landscaping Plan, Drawing A-1.01, dated revised 11/15/04 prepared by Gotham Design Ltd., but that no such plan had been received by the Planning Board. Mr. Steinschneider provided an overview of the landscaping plan, with discussion ensuing regarding the need to replace and plant trees on the road leading back to Marshall’s Pond; a landscaping plan is to be provided in time for the January meeting. A discussion also took place on the replacement and maintenance of the guard rail along this same road, which is shown on the Subdivision Plat and related improvement plans, and whether a change in design would be acceptable; the Board indicated that it needed additional detail on this matter.

The Chairman requested that the footprint of the proposed house and retaining walls be taped to facilitate inspection by individual Board members. The applicant is to notify the Building Department when completed, which in turn will notify the Board.

Comments from the Public:

None

Board Action:

The Board determined the application to be sufficiently complete and scheduled a public hearing was for January 5, 2005 subject to receipt of a landscaping plan and the taping of the property.

Informal Discussion:

IPB Matter #04-53:

Application of Maud Hall Fluchere for Informal Discussion for property at 21 Oak Street.

Proposal:

This is an informal discussion with respect to the transfer of a portion of one lot to an adjoining lot under separate ownership. The applicant is requesting the Planning Board review the transfer to assess if any Village action is required.

Representative:

Philip J. Mondello, Esq.

Discussion:

The issue is whether the proposed lot line change would render either of the two lots non-complying with regards to setbacks and site capacity, or increase the site capacity of a lot beyond its current site capacity.

Comments from the Public:

None.

Board Action:

None. The applicant was instructed to provide additional calculations to Mr. Marron, and he and Mr. Sciarretta will review the application to determine if further action by the Board is warranted.

IPB Matter #03-49:

**Application of the Village of Irvington for
Subdivision and Limited Site Development Plan
Approval for Parcel C.**

Proposal:

The Applicant (Village) is proposing to subdivide Parcel C into 4 lots.

Representative:

Mr. Paul Petretti

Discussion:

This was a public meeting to re-commence discussion of Preliminary Subdivision and Limited Site Plan approval, which was halted in December 2003 pending action by the Town of Greenburgh. Mr. Petretti reported that on October 13, 2004 the Town of Greenburgh approved the expansion of the sewer district which would allow the 4 proposed lots to hook into an existing sewer line in Peter Bont Road. The proposal is for preliminary approvals for 4 lots, although the Village anticipates that it would sell no more than two lots, if any. It was noted that the original proposal for Parcel C when part of the Westwood application would have resulted in 10 lots.

At 9:45 pm, Mr. Jenkins had to leave and was replaced by Mr. Elliot, Ad Hoc Member, to insure a quorum so that discussion could continue. Mr. Petretti indicated that each of the four proposed lots has a site capacity of one dwelling unit; this was confirmed in a memorandum from Mr. Mastromonaco, dated November 5, 2003 (this memorandum noted mathematical errors in the applicant's submission although they did not affect the site capacity conclusions). While the November 2003 minutes do not indicate that the Board took any action, the Board indicated that it had reached a conclusion regarding site capacity at that time. Absent such indication in the minutes, the Board indicated that it would re-affirm its site capacity determination.

Comments from the Public:

Mr. Jon Elwyn expressed concern about the cost and time to pursue the application, and whether it reflected the Village's current thinking. The Chairman indicated that this was a matter for the Board of Trustees, and not the Planning Board, which would handle this as it would any submission presented by an applicant. He also noted that the Board had adopted a SEQRA finding in November 2003. This recognized the original findings of

the FEIS prepared on the Westwood Subdivision, noting that the current plan would have an even smaller impact on the environment as the plan reduced the number of potential lots on Parcel C from 10 to 4.

Mr. Elwyn proposed that interested members of the audience submit a petition to the Board of Trustees to dedicate the property for open space. The Board deferred any action on site capacity.

Board Action:

The Board continued this matter to its January 2005 meeting, at which time site capacity will be discussed along with other aspects of the application.

The Board meeting was adjourned at 10:20 PM.

Respectfully submitted,

William Hoffman, Acting Secretary